

BACKGROUND:

Following the tragic and senseless death of George Floyd and continued protests nationwide, one particular campaign for reform has caught the attention of many residents and city leaders nationally and in Lewisville. The police reform advocacy group Campaign Zero has an initiative called **#8CANTWAIT**. The program tracks a database of major cities that have enacted eight strategies that the group says have proven to curtail police violence.

The eight strategies that the campaign promotes are:

- Ban chokeholds and strangleholds
- Require police to use de-escalation strategies
- Require warnings before firing a weapon
- Require officers to exhaust all options before shooting
- Require police to intervene when they see others using excessive force
- Ban shooting at moving vehicles
- Create a use-of-force continuum with restrictions for each police weapon and tactic
- Require officers to report any time they use force or threaten to use force against a civilian.

Campaign Zero says enacting all eight strategies could reduce police killings by 72 percent. There is some disagreement about the validity of the data used to support that claim. However, there is general agreement that the **#8CANTWAIT** list can be a good starting point when reviewing police general orders and tactics related to the use of deadly force.

ANALYSIS:

Lewisville Police Department has reviewed its *Response to Resistance General Order 4.1* (Attachment A) to determine how the current general order addresses the eight strategies identified in the **#8CANTWAIT** campaign. Below is a synopsis of the review, which includes what the current order is, what could be done to reflect the **#8CANTWAIT** strategies, and the concerns police leadership has about some changes that would be required under the campaign:

1. Ban Chokeholds and Strangleholds

Current Status: The General Order prohibits chokeholds unless deadly force is authorized (4.1.V.G) but does not specifically address strangleholds.

Proposed Change: The General Order will be amended to include strangleholds. Both would still be allowed if deadly force is authorized to protect the life of the officer or another person.

Concern: An outright ban would seem to indicate an officer could not use any means necessary during a deadly force encounter. For example, if an officer is fighting with a

suspect over control of a weapon, that officer could be disciplined for using a chokehold or stranglehold even though the officer saw it as his only option to prevent the suspect from taking the officer's weapon.

2. Require De-Escalation

Current Status: De-Escalation is addressed in the General Order (4.1.II.A and B) and meets the #8CANTWAIT recommendation. The department added a de-escalation course to its required training program in March 2017 as part of a Non-Bias Policing and De-Escalation class. The course outline for this class was used by TCOLE to create the statewide De-Escalation Techniques course in April 2018.

No Change Necessary.

3. Require Warning Before Shooting

Current Status: Not addressed in the General Order.

Proposed Change: Add the following verbiage to General Order:

When practical and feasible, officers shall make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used prior to the use of deadly force.

Concerns: Warnings prior to deadly force may not always be practical and failure to warn may be used against an officer in an otherwise lawful action. Also, officers will feel compelled to issue a warning and that delay could endanger their safety.

4. Exhaust all Other Means Before Shooting

Current Status: Not addressed in the General Order.

Proposed Change: Add the following verbiage to General Order.

In all situations, justification for the use of deadly force must be limited to the facts reasonably apparent to the officer at the time the officer decides to use force. Deadly force will be used with great restraint and as a last resort only when the level of resistance warrants the use of deadly force.

Concerns: This strategy could be interpreted to mandate that an officer would systematically go through each level of the use of force continuum before utilizing deadly force. If a person is threatening to shoot an officer or another person, an officer should not be required to attempt a less-lethal option because it could endanger the safety of an officer or the public.

5. Duty to Intervene

Current Status: Not addressed in the General Order but is included as part of required officer training.

Proposed Change: Add the following verbiage to General Order:

Sworn and Non-Sworn employees have an obligation to protect the public and other employees. It shall be the duty of every employee present at any scene where physical force is being applied to either stop or attempt to stop another employee when force is being inappropriately applied or is no longer required.

6. Ban Shooting at Moving Vehicles

Current Status: The General Order prohibits shooting at a moving vehicle unless the vehicle is being utilized as a deadly weapon (4.1.III.D.3).

No Change Necessary.

Concerns: An outright ban on shooting at moving vehicles is not feasible because it could prevent an officer to act in a manner necessary to protect lives. The department recently added that officers could shoot at a moving vehicle if the vehicle was being used as a deadly weapon, such as driving a vehicle into a crowd of people.

7. Require Use of Force Continuum

Current Status: The General Order defines types of resistance (4.1.I) but does not include a continuum. The General Order requires an administrative review of all use of force incidents (4.1.XII).

Proposed Change: Add use of force continuum with illustration.

8. Comprehensive Reporting

Current Status: The General Order includes comprehensive reporting (4.1.XI).

No Change Necessary.

CONCLUSION:

In response to the tragic death of George Floyd, the police staff has been reviewing *Response to Resistance General Order 4.1* (Attachment A) and has determined that there are several areas of the order that need to be revised. The review of the #8CANTWAIT strategies has provided some helpful insight; however, the police staff wants to ensure any changes do not have unintended legal consequences and do not place Lewisville police officers in situations where their safety is compromised.

The City of Lewisville has always held its officers to a very high standard. When those standards are compromised, the city takes measures to swiftly correct the behavior or terminate the employee. This practice, along with thorough training and carefully crafted policies, helps ensure public safety and prevent abuses in encounters between police officers and citizens.